

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**IN RE: BOSTON SCIENTIFIC CORP.  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION**

**MDL NO. 2326**

**PRETRIAL ORDER # 184  
Order Re: Qualified Settlement Fund -  
Boston Scientific Corp. and Ashcraft & Gerel, LLP**

Pending is an Unopposed Motion for Approval of the Ashcraft & Gerel BSC Qualified Settlement Fund [ECF No. 6020], which was filed on May 22, 2018. Ashcraft & Gerel, LLP (“Plaintiffs’ Counsel”), as counsel for certain plaintiffs in this MDL No. 2326, hereby moves for entry of an Order to aid in the efficient processing and administration of a confidential settlement agreement (the “Settlement Agreement”) between Plaintiffs’ Counsel and Defendant Boston Scientific Corp. (“Boston Scientific”) (collectively, the “Parties”) to resolve the claims of certain claimants against Boston Scientific relating to the implant of Boston Scientific Pelvic Repair Products (as defined in the Settlement Agreement).

In particular, the Motion seeks an Order (1) approving the Ashcraft & Gerel BSC Escrow Agreement (the “Escrow Agreement”) which forms a settlement escrow account named the Ashcraft & Gerel BSC Settlement Escrow Account (the “Settlement Escrow”), (2) retaining continuing jurisdiction and supervision over the Settlement Escrow, and (3) determining that the Settlement Escrow constitutes a “qualified settlement fund” within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (the “Code”) and Treasury Regulation sections 1.468B-1, *et. seq.*

The Court, having reviewed the Motion and Escrow Agreement, and finding good and sufficient cause, **FINDS** and **ORDERS** the following:

- 1) The Unopposed Motion [ECF No. 6020] is **GRANTED**;
- 2) The terms of the Escrow Agreement are hereby approved;
- 3) The Settlement Escrow constitutes a qualified settlement fund within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (“the Code”) and Treasury Regulation sections 1.468B-1, *et. seq.*
- 4) The Court will retain continuing jurisdiction and supervision over the Settlement Escrow, in accordance with the terms of the Escrow Agreement.
- 5) The Court approves the appointment of Esquire Bank, as Escrow Agent and Heather Magic of Providio MediSolutions, LLC, as the administrator of the Settlement Escrow, pursuant to the terms and conditions of The Escrow Agreement. Further, the funds held by the Escrow Agent in the Settlement Escrow shall be disbursed by the Escrow Agent only pursuant to and in conformance with the terms of the Escrow Agreement and Settlement Agreement, which include provisions for payments into the MDL 2326 Fund.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326 and it shall apply to each member related case previously transferred to, removed to, or filed in this district *where applicable*, which includes counsel in all member cases up to and including civil action number 2:18-cv-00958. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all

pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at [www.wvsd.uscourts.gov](http://www.wvsd.uscourts.gov).

**IT IS SO ORDERED.**

**ENTER:** May 29, 2018.



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE